

**PUBLIC CHAPTER NO. 1021**

**SENATE BILL NO. 2464**

**By Harper**

**Substituted for: House Bill No. 3545**

**By Kernell, Cooper**

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 64, Chapter 1, relative to the Tennessee Duck River development agency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-229(a), is amended by deleting item (80) in its entirety.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 29, Part 2, is amended by adding a new section thereto, as follows:

Section 4-29-235.

(a) The following entities shall terminate on June 30, 2014:

( ) Tennessee Duck River development agency, created by §§ 64-1-601 and 64-1-602;

(b) Each department, commission, board, agency, or council of state government created during calendar year 2012 terminates on June 30, 2014.

(c) Any governmental entity that has been terminated under this section may be continued, reestablished or restructured in accordance with this chapter.

SECTION 3. Tennessee Code Annotated, Title 64, Part 1, Chapter 6, is amended by adding a new, appropriately designated section as follows:

(a) The general assembly finds that:

(1) The Duck River is approximately two hundred sixty nine (269) miles long, and is the longest river in Tennessee that is totally contained within the state;

(2) The watershed for the Duck River is one of the most biodiverse rivers in North America containing over one hundred fifty (150) species of fish, more species than the entire continent of Europe;

(3) Over two hundred thousand (200,000) Tennesseans rely on the Duck River for drinking water;

(4) The long-term viability of the Duck River may be impacted by increased utilization of its water for human consumption and agricultural purposes;

(5) A dependable source of water for human consumption and agricultural purposes is essential to the health, safety and welfare of the persons who live in the Duck River watershed, as well as the economic vitality of the region; and

(6) Increasing the use of the waters of the Duck River for human consumption and agricultural purposes may impact the health of the river and the ability of the river to support fish and aquatic life and to be a source of recreation for the citizens of the state.

(b) Consistent with the findings in subsection (a), the Duck River development agency is authorized and directed to undertake an alternative source analysis with the goal of establishing a long-term plan for the development of viable sources of water for the citizens of the Duck River watershed. The options to be considered by the alternative source analysis shall include pipelines to the Tennessee and Cumberland Rivers, the enlargement of existing impoundments, the development of new impoundments and other options that merit consideration as determined by the Duck River development agency. The alternative source analysis shall include the infrastructure required, the estimated costs and the feasibility of funding alternative source projects through bonds issued by the Duck River development agency supported by revenues generated from the sales of water. In conducting the alternative source study, the Duck River development agency shall seek input and cooperation from the Tennessee Advisory Commission on Intergovernmental Relations, local water districts and authorities, the Department of Environment and Conservation, the Tennessee Valley Authority, the Army Corps of Engineers, and other agencies, organizations, and persons as the agency deems appropriate. The first alternative source analysis shall be set forth in a written report to be delivered to the speakers of both houses by March 1, 2010, with copies sent to all legislators whose districts are wholly or partially within the Duck River watershed area. The alternative source analysis shall be updated annually by a report delivered to the speakers of both houses by March 1 of each year beginning in 2011, with copies to all legislators whose districts are wholly or partially within the Duck River watershed area.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 14, 2008**



RON RAMSEY  
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of May 2008



PHIL BREDESEN, GOVERNOR